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10/087,768	03/05/2002	Shinichiro Kinoshita	1883-43	7456

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ART UNIT	PAPER NUMBER
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DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-14* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>05 March 2002</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some *   c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>3</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

3.   Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wen et al., U.S. Patent No.: 6,590,590 in view of Cariffe et al., U.S. Patent No.:

6,201,548.

4.   In regards to claim 1, Wen et al. teaches the following:

5.   ***An information terminal device comprising: means for cutting out a cut-out***

portion from an image, wherein the cut-out portion is of a size corresponding to

or less than a predetermined data amount or any data amount optionally preset

by a user when transmitting an image data over wire- or wireless-line or storing

the image data on a storage medium,

- Wen et al. teaches a system and method implemented on a host computer comprising an image cropping manager for cropping and saving a scanned image transmitted from an image capturing manager (Col. 2, lines 34-67; Col. 2, lines 38-59). The image cropping manager (FIG. 1, No. 14) automatically crops an image according to a default image size (Col. 3, lines 3-5 and lines 44-65). Said default image size specifically is *a predetermined data amount*.

6.   Wen et al. and Cariffe et al. in combination teach the following:

and wherein said means for cutting out the cut-out portion from the image utilizes a cursor that may be moved around the image in order to select a portion to be cut out, said cursor having an adjustable cursor size for cutting out the cut-out portion form the image and defining a size thereof, and wherein the cursor size of the cursor is adjusted based on the predetermined data amount or data amount optionally preset by the user.

- Wen et al. teaches the image cropping manager, wherein a dialog box is provided to the user in order to allow the user to adjust the area and size of the portion of the image to be cropped and adjusted to a frame (Col. 4, lines 46-51; FIG. 7; Col. 5, lines 1-10; FIG. 8; FIG. 2). Adjusting said area to be cropped, which is adjusting a frame, specifically is adjusting the cursor size. Said frame size (cursor size) is adjusted based on a default size (*predetermined data amount*) or user selected image size.

- Cariffe et al. teaches a PC-based image processing system, wherein an image transmitted from a scanner is cropped by placing a moving, adjustable

rectangular cursor over the image in order to designate the portion of the image to be cropped (Col. 1, lines 49-62, Col. 2, line 34 – 13; and FIGS. 3-4). Since the user can adjust the size of the rectangular cursor, said cursor is adjustable based on data amount preset by the user.

7.   Wen et al. does not explicitly teach *means for enlarging or contracting whole image being displayed on a display screen to a size corresponding to a predetermined data amount or any desirable data amount optionally determined by a user*, but Cariffe et al. teaches the said limitations.

- Cariffe et al. teaches reducing the size of the original, not cropped image into "iconified" version, wherein the original image can be restored from said "iconified" version (Col. 2, lines 1-14; Col. 14-43; FIG. 5). Reducing the original image to an icon specifically is *contracting whole image displayed on a display screen to a size corresponding to a predetermined data*.

8.   It would have been obvious to one of ordinary skill in the art to take the teachings of Wen et al. and to add from Cariffe et al. the method of saving the original, non-cropped image as an icon in order to provide to the user the un-edited version of the image on the same image editing environment. Thus, if the user is not satisfied with a cropped image, the user can re-crop the image from the original image. In addition, all references are directed to an image editing system implemented on a host computer, wherein the image is cropped.

9.   In regards to claim 3, the same basis and rationale for claim rejection as applied to claim 1 are applied.

An information terminal device as defined in claim 1, further comprising means for changing a cutting-out position of an image to any desirable position thereon.

10.   Claims 4-7 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wen et al. in view of Cariffe et al. as applied to claims 1 and 3 above, and further in view of Cohen, U.S. Patent No. 6,337,925.

11.   In reference to claim 4, Wen et al. and Cariffe et al. teach *an information terminal device as defined in claim 3*. Cariffe et al. does not explicitly teach *further comprising means for changing the cutting-out shape of an image to any desired shape within the predetermined data amount or the data amount preset by a user and a means for selecting which condition of changing the cutout shape of an image not exceed or to exceed the predetermined data amount or the data amount preset by a user.*

12.   Wen et al. and Cohen in combination teach the above said limitations.

- Wen et al. teaches changing the shape of the border of the cropping area (Col. 3, lines 5-22).

- Cohen teaches a border, which is the boundary that encompasses the portion of the picture to be cutout. The border shape and size changes according to the user input. Cohen is describing the well-known, standard tool named "magic lasso" found in image processing software, Adobe© Photoshop. (Col. 4, lines 34-39 and Col. 10, lines 8-9).

- Said 'lasso' tool of Cohen enables the user to 'crop' an image using a movable border of any shape and size (Col. 4, lines 34-49)

13.   It would have been obvious to someone of ordinary skill in the art to take the teachings of Wen et al. and Cariffe et al. and to incorporate from Cohen, the 'lasso' in order to cutout a portion of any size and shape from the original image. This allows the user to accurately 'crop' only the desired portion of the original image and to control the size of the cutout portion to any predetermined data size.

14.   In reference to claim 5, Wen et al and Cariffe et al. teach the *information terminal device as defined in claim 4*. In addition, Wen et al. teaches *further comprising means for enlarging or contracting or compressing the cutout image having a different data size so as to match the predetermined data amount or the data amount optionally preset by a user.*

- Wen et al. teaches adjusting the size of the cut out image to be adapted to the default frame size (predetermined data size) of the cursor for cropping the image (Col. 4, lines 46-52 and Col. 5, lines 3-10). Said adjusting the size of the image specifically reads on *enlarging or contracting or compressing the cutout image* as disclosed in the current claim.

15.   In reference claim 6, Wen et al. and Cariffe et al. teach *an information terminal device as defined in claim 4,* but do not explicitly teach *further comprising means for informing a user that a data amount of an image to be cut out is different from the predetermined data amount or the data amount optionally preset by the user.*

16.   Cohen teaches the above said limitations.

- Cohen teaches that the user may receive feedback about the measure of confidence in the edge zone model by, for example, changing the color of the

highlight that indicates the determined edge zone model or the brush, which specifically is informing the user if the cut-out area is different from the predetermined data set by the user (col. 22, lines 56-59).

17.   It would have been obvious to someone of ordinary skill in the art to take the teachings of Wen et al. and Cariffe et al. and to add from Cohen, the means for informing the user if the cut out image data size differs from a predetermined data size. This combination gains the advantage of determining the accuracy of 'image cropping' and to ensure that the data size of the 'cropped image' is within the desired data size for the particular device or apparatus.

18.   In regards to claim 7, the same basis and rationale for claim rejection as applied to claims 1 and 4 are applied.

An information terminal device as defined in claim 1, wherein the cursor has an adjustable size and an adjustable shape, and wherein the cursor size of the cursor and the shape of the cursor are adjusted based on the predetermined data amount or data amount optionally preset by the user.

19.   In regards to claim 10, the same basis and rationale for claim rejection as applied to claims 1, and 3-6 are applied. In addition, Cariffe et al. teaches transmitting the image to a printer (Col. 2, lines 64-67).

A method of transmitting image data from an information terminal device to another device, the method comprising: providing an image on a display screen of the information terminal device; providing a cursor on the display screen of the information terminal device, wherein the cursor may be manipulated by a user

over different parts of the image for cutting out a portion from the image; cutting

out a cut-out portion from the image using the cursor, wherein a size of the cut-

out portion corresponds to a size of the cursor and is no greater than a

predetermined data amount; said cursor having an adjustable cursor size for

cutting out the cut-out portion from the image; and adjusting the cursor size of

the cursor based on the predetermined data amount, so that the size of the cut-

out portion from the image is also adjusted based on the predetermined data

amount.

20.   In regards to claim 11, the same basis and rationale for claim rejection as applied

to claims 4 and 10 are applied.

The method of claim 10, further comprising adjusting a shape of the cursor based

on the predetermined data amount.

21.   Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wen et al. in view of Cariffe et al. as applied to claims 1 and 3 above, and further in

view of Warner et al. U.S. Patent Application Publication No.: 2001/0002937.

22.   In regards to claim 2, Wen et al. and Cariffe et al. teach *an information terminal*

device as defined in claim 1, wherein the cropping tool cuts out a portion of the

original image. Said cropping tool can be used to divide the original image into a

plurality of cut out image, wherein each cut out portion corresponds to a predetermined

data amount as applied to claim 1 above. Wen et al. and Cariffe et al., however, do not

explicitly teach *transmitting the divided image on a portion-by-portion basis and a*

means for receiving the portions of image data and restoring an original image

from the received image data.

23.   Warner et al. teaches the above said limitations.

- Warner et al. teaches apparatus and method for compressing an image,

  transmitting a compressed portion of the image, receiving it, decompressing it,

  and producing a displayed image that represents the original uncompressed

  image (Paragraph [0032] and [0038]). Compression specifically is dividing an

  image data into portions. For example, JPEG compression divides the image

  data into 8x8 equal portions.

- Warner et al. Teaches compressing an image using a plurality of compression

  passes, wherein each compression pass compresses a portion of the image.

  Thus the compression passes divide the image into portions, wherein each

  portion corresponds to a predetermined data amount indicated by the user

  (Paragraph [0047] – [0048] and FIG. 3).

24.   It would have been obvious to one of ordinary skill in the art to take the teachings

of Wen et al. and Cariffe et al. and to add from Warner et al., the apparatus and method

of compressing images to a predetermined data amount in order to expedite

transmission and storage of image data by compressing the image data to a

manageable data amount. Wen et al. And Cariffe et al. teach reducing the original

image data to a smaller data size by cropping a portion of the original image data, but

do not teach reducing the original image data size by compressing the whole image

data. Even after cropping a portion of the original image data, the user may still need to

reduce the size of the cropped image data. Warner teaches compressing the image data, which allows the user to reduce the image data size in order to save bandwidth when transmitting the image data and memory space when storing the image data without cutting out a portion of the image. In addition, Warner et al. teaches progressive compression method, wherein an image is compressed using the most efficient of several compression methods. Further, all references are directed to an image editing system operable on a computer.

25.   In regards to claim 8, the same basis and ration for claim rejection as applied to claims 1-3 are applied.

An information terminal device comprising: means for cutting out a cut-out portion from an image, wherein the cut-out portion is of a size corresponding to or less than a predetermined data amount that is set based on a device to which image data is to be transmitted from the terminal device over a wire- or wireless-line; wherein a cursor that may be moved around the image in order to select a portion to be cut is used in cutting out the cut-out portion from the image, and wherein the cursor size of the cursor is adjusted based on the predetermined data amount that is set based on the device to which image data is to be transmitted.

- Warner et al. teaches the receiver (FIG. 1, No. 134) and the transmitter 118 are different devices (Paragraphs [0038]-[0040] and FIG. 1). The receiver sends requests to the transmitter requesting it to send data from more compression passes (Paragraphs [0095]-[0103]). The number of compression passes

determines the size of the compressed image data, and thus the receiver device

determines the said data size of the compressed image data. Thus the same

idea is applied to determining the size of the cut-out portion and the cursor,

wherein the device receiving the image data determines the size of the cutout

portion and the cursor in order to maximize the display of the cut out image

and/or the compressed image on the receiver device's display.

26.   Claims 9 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wen et al. in view of Cariffe et al. as applied to claims 1 and 3 above, and further in

view of Cohen as applied to claims 4-7 and 10-11 above, and further in view of Warner

et al as applied to claims 2 and 8 above.

27.   In regards to claim 9, the same basis and rationale for claim rejection as applied

to claims 1, 4 and 8 are applied

An information terminal device as defined in claim 8, wherein the cursor has an

adjustable size and an adjustable shape, and wherein the cursor size of the

cursor and the shape of the cursor are both adjusted based on the predetermined

data amount.

28.   It would have been obvious to one of ordinary skill in the art to take the teachings

of Wen et al., Cariffe et al., and Cohen, and to add from Warner et al., the apparatus

and method of compressing images to a predetermined data amount in order to

expedite transmission and storage of image data by compressing the image data to a

manageable data amount. Wen et al., Cariffe et al., and Cohen teach reducing the

original image data to a smaller data size by cropping a portion of the original image

data, but do not teach reducing the original image data size by compressing the whole

image data. Even after cropping a portion of the original image data, the user may still

need to reduce the size of the cropped image data. Warner teaches compressing the

image data, which allows the user to reduce the image data size in order to save

bandwidth when transmitting the image data and memory space when storing the image

data without cutting out a portion of the image. In addition, Warner et al. teaches

progressive compression method, wherein an image is compressed using the most

efficient of several compression methods. Further, all references are directed to an

image editing system operable on a computer.

29.   In regards to claim 12, the same basis and rationale for claim rejection as applied

to claims 2 and 10 are applied.

The method of claim 10, wherein the cursor size of the cursor is also based on a

number of usable colors.

- Warner et al. teaches that the original image to be compressed using the

  compression method as applied to claims 2 and 10 above comprises a multicolor

  image. Eight bit planes corresponding to the eight basic colors in the image

  represent said multicolor image. The encoder (FIG. 1, No. 114) compresses the

  multicolor image by treating each bit plane as an image (Paragraph [0034]).

  Recall that the receiver determines the amount of compression requested from

  the encoder based on the display unit of the receiver device. Since the amount

  of image data for the multicolor image is based on the number of available color,

  said compression amount, which specifically is the amount of data transmitted,

which specifically is the amount of cut out data, which specifically is the size of the cursor, requested by the receiver is also based on the available usable colors. For example, more colors in an image would correspond to more image data and larger cursor size.

30.   In regards to claim 13, the same basis and rationale for claim rejection as applied to claims 1 and 12 are applied.

The terminal device of claim 1, wherein the cursor size of the cursor is also adjusted based on a number of usable colors.

31.   In regards to claim 14, the same basis and rationale for claim rejection as applied to claims 8 and 12-13 are applied.

The terminal device of claim 8, wherein the cursor size of the cursor is also adjusted based on a number of usable colors.

Response to Arguments

32.   Applicant's arguments with respect to claim 1-6 have been considered but are moot in view of the new ground(s) of rejection.

33.   The applicant's arguments are solely based on the new limitations added to the application through amended claims and newly added claims. Said newly added limitations necessitated new grounds for rejections in the current office action, and thus the claim rejections are made final.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwa C Lee whose telephone number is 703-305-8987. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 703-305-3885. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hwa C Lee
Examiner
Art Unit 2672

HCL

JOSEPH MANCUSO
PRIMARY EXAMINER